THE
MYSORE GAZETTE
Published by Authority.

BANGALORE, SATURDAY, JANUARY 17, 1891.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Acts and Regulations passed by His Highness the Maharaja of Mysore.

GOVERNMENT OF MYSORE.

LEGISLATIVE DEPARTMENT.

REGULATION No. VI OF 1890.

The following Regulation received the assent of His Highness the Maharaja on the fifth day of December 1890, and is hereby promulgated for general information:—

A Regulation to consolidate and amend the law relating to Arms, Ammunition and Military Stores.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to arms, ammunition and Military stores; His Highness the Maharaja is pleased to enact as follows:—

I. Preliminary.

Short title.
Local extent.

1. This Regulation may be called "The Mysore Arms Regulation, 1890," and it extends to the whole of the Territories of Mysore.

Savings.

But nothing herein contained shall apply to the manufacture, conversion, sale, transport, bearing or possession of arms, ammunition or Military stores by order of the Government, or by a public servant or a volunteer enrolled under the Indian Volunteer's Act, 1869, in the course of his duty as such public servant or volunteer.

Commencement.

2. This Regulation shall come into force at once.

Repeal of Enactments.

3. Act No. XI of 1878 (The Indian Arms Act, 1878) shall be repealed. But all authorities and permissions given, licenses and exemptions granted, orders and appointments made, notifications published, and rules, conditions, and forms prescribed under that Act shall be deemed to be respectively given, granted, made, published and prescribed under this Regulation.

And all such authorities, permissions, licenses and exemptions shall, except as otherwise provided by this Regulation, continue in force for the periods for which they may have been given or granted respectively, or, where no such period is expressly fixed, for one year from the date on which this Regulation comes into force, and shall then cease to have effect.

Interpretation-clause.

4. In this Regulation unless there be something repugnant in the subject or context—

"Cannon" includes also all howitzers, mortars, wall pieces, mitrailleuses and other ordnance and machine-guns, all parts of the same, and all carriages, platforms, and appliances for mounting, transporting and serving the same:

"Arms" includes fire-arms, bayonets, swords, daggers, spears, spear-heads and bows and arrows, also cannon and parts of arms, and machinery for manufacturing arms;

"Ammunition" includes also all articles specially designed for torpedo service and submarine mining, rockets, guncotton, dynamite, lithofracteur and other explosive or fulminating material, gun-flints, gunwads, percussion caps, fuses and friction tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or saltpetre :

"Military Stores" in any section of this Regulation as applied to any part of the Territories of Mysore means any Military stores to which the Government of Mysore may from time to time by notification in the Official Gazette specially extend such section in such part, and includes also all lead, sulphur, saltpetre and other material to which the Government of Mysore may from time to time so extend such section :

"License" means a license granted under this Regulation, and "licensed" means holding such license.

II. Manufacture, Conversion, Sale and Transport.

Unlicensed manufacture, conversion and sale prohibited.

5. No person shall manufacture, convert, or sell, or keep, offer or expose for sale, any arms, ammunition or Military stores except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same ; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under Section twenty-two of this Regulation shall, without unnecessary delay, give to the Magistrate of the district or to the officer in charge of the nearest Police station notice of the sale and of the purchaser's name and address.

Power to prohibit transport.

6. The Government of Mysore may, from time to time by notification in the Official Gazette—

(*a*) regulate or prohibit the transport of any description of arms, ammunition or Military stores over the whole of the Territories of Mysore or any part thereof, either altogether or except under a license and to the extent and in the manner permitted by such license, and

(*b*) cancel any such notification.

Arrest of persons conveying arms, &c., under suspicious circumstances.

7. When any person is found carrying or conveying any arms, ammunition or Military stores, whether covered by a license or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used for any unlawful purpose, any person may without warrant apprehend him and take such arms, ammunition or Military stores from him.

Procedure where arrest made by person not a Magistrate or a Police officer.

Any person so apprehended and any arms, ammunition or Military stores so taken by a person not being a Magistrate or Police officer shall be delivered over as soon as possible to a Police officer.

All persons apprehended by, or delivered to, a Police officer and all arms and ammunition seized by or delivered to any such officer under this section shall be taken without unnecessary delay before a Magistrate.

III. Going armed and Possessing arms, &c.

Prohibition of going armed without license.

8. No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police officer or other person empowered by the Government of Mysore in this behalf by name or by virtue of his office.

Unlicensed possession of fire-arms, &c.

9. No person shall have in his possession or under his control any cannon or fire-arms or any ammunition or Military stores except under a license and in the manner and to the extent permitted thereby.

Possession of arms of any description without license prohibited in certain places.

10. In any place to which the Government of Mysore may, by notification in the Official Gazette, specially extend this section, no person shall have in his possession any arms of any description except under a license and in the manner and to the extent permitted thereby.

Arms of which possession has become unlawful to be deposited at Police station.

11. Any person possessing arms, ammunition or Military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license or by the issue of a notification under Section ten, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest Police station.

If the owner of any thing deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited to His Highness the Maharaja of Mysore.

IV. Licenses.

Power to make rules as to licenses.

12. The Government of Mysore may, from time to time, by notification in the Official Gazette, make rules to determine the officers by whom, the form in which, and the terms and conditions on and subject to which, any license shall be granted; and may by such rules among other matters—

(*a*) fix the period for which such license shall continue in force;

(*b*) fix a fee payable by stamp or otherwise in respect of any such license granted other than a license for possession;

(*c*) direct that the holder of any such license other than a license for possession shall keep a record or account in such form as the Government of Mysore may prescribe of anything done under such license, and exhibit such record or account when called upon by an officer of Government to do so;

(*d*) empower any officer of Government to enter and inspect any premises in which arms, ammunition or Military stores are manufactured or kept by any person holding a license of the description referred to in Section five;

(*e*) direct that any such person shall exhibit the entire stock of arms, ammunition and Military stores in his possession or under his control to any officer of Government so empowered; and

(*f*) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms, ammunition or Military stores covered by the same when called upon by an officer of Government so to do.

Cancelling and suspension of license.

13. Any license may be cancelled or suspended—

(*a*) by the officer by whom the same was granted, or by any authority to which he may be subordinate, or by any Magistrate of a District within the local limits of whose jurisdiction the holder of such license may be, when, for reasons to be recorded in writing, such officer, authority or Magistrate deems it necessary for the security of the public peace to cancel or suspend such license; or

(*b*) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Regulation, or against the rules made under this Regulation; and

the Government of Mysore may at its discretion by a notification in the Official Gazette cancel or suspend all or any licenses throughout the whole or any portion of the Territories of Mysore.

V. Penalties.

For breach of Sections 5, 6, 8 to 12.

14. Whoever commits any of the following offences, (namely)—

(*a*) manufactures, converts or sells, or keeps, offers or exposes for sale any arms, ammunition or Military stores in contravention of the provisions of Section five;

(*b*) fails to give notice as required by the same section;

(*c*) transports any arms, ammunition or Military stores in contravention of a regulation or prohibition issued under Section six;

(*d*) goes armed in contravention of the provisions of Section eight;

(*e*) has in his possession or under his control any arms, ammunition or Military stores in contravention of the provisions of Section nine or Section ten;

(*f*) intentionally makes any false entry in a record or account which, by a rule made under Section twelve, clause (*c*), he is required to keep;

(*g*) intentionally fails to exhibit anything which, by a rule made under Section twelve, clause (*c*), he is required to exhibit; or

(*h*) fails to deposit arms, ammunition or Military stores, as required by Section eleven;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

15. Whoever does any act mentioned in clause (*a*), (*c*) or (*e*) of Section fourteen, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a Railway or to the servant of any public carrier,

For secret breaches of Sections 5, 6, 9 and 10.

and whoever, on any search being made under Section twenty, conceals or attempts to conceal any arms, ammunition or Military stores,

For concealing arms, &c.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

16. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under Section fourteen or Section fifteen, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

For breach of license.

17. Whoever knowingly purchases any arms, ammunition or Military stores from any person not licensed or authorized under the proviso to Section five to sell the same ; or

For knowingly purchasing arms, &c., from unlicensed person.

delivers any arms, ammunition or Military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

For delivering arms, &c., to person not authorized to possess them.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

18. Any person violating any rule made under this Regulation, and for the violation of which no penalty is provided by this Regulation, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Penalty for breach of rule.

19. When any person is convicted of an offence punishable under this Regulation committed by him in respect of any arms, ammunition or Military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or Military stores, and any cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

Power to confiscate.

VI. Miscellaneous.

20. Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or Military stores for any unlawful purpose,

Search and seizure by Magistrate.

or that such person cannot be left in the possession of any such arms, ammunition or Military stores without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person, or in which such Magistrate has reason to believe such arms, ammunition or Military stores are or is to be found, and may seize and detain the same although covered by a license, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of, a Magistrate or by or in the presence of some officer, specially empowered in this behalf by name or in virtue of his office by the Government of Mysore.

21. The Government of Mysore may at any time order or cause to be seized any arms, ammunition or Military stores in the possession of any person notwithstanding that such person is licensed to possess the same, and may detain the same for such time as it thinks necessary for the public safety.

Seizure and detention by Government.

22. The Government of Mysore may, from time to time by notification published in the Official Gazette—

Power to exempt.

(*a*) exempt any person by name or in virtue of his office or any class of persons or exclude any description of arms or ammunition or withdraw any part of the Territories of Mysore from the operation of any prohibition or direction contained in this Regulation ; and

(*b*) cancel any such notification and again subject the persons or things or the part of the Territories of Mysore comprised therein to the operation of such prohibition or direction.

23. Every person aware of the commission of any offence punishable under this Regulation shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest Police officer or Magistrate, and

Information to be given regarding offences.

every person employed upon any Railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information to the nearest Police officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or Military stores in respect of which an offence against this Regulation has been or is being committed.

24. Where an offence punishable under Section fourteen, clause (*c*), has been committed in any part of the Territories of Mysore, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Magistrate of the District.

Sanction required to certain proceedings under Section 14, clause (*c*).

25. Where a search is to be made under the Code of Criminal Proceedure in the course of any proceedings instituted in respect of an offence punishable under Section fourteen, clause (*c*), such search shall, notwithstanding anything contained in the said Code, be made in the presence of some officer specially appointed by name or in virtue of his office by the Government of Mysore in this behalf, and not otherwise.

Searches in the case of offences against Section fourteen, clause (*c*), how conducted.

26. Nothing in this Regulation shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Regulation or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by this Regulation; Provided that no person shall be punished twice for the same offence.

Operation of other laws not barred.

27. The Government of Mysore may, from time to time by notification in the Official Gazette, direct a census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such census.

Power to take census of fire-arms.

On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms when so required, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

28. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Regulation, without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

Notice and limitation of proceedings.

K. SHESHADRI IYER,
Dewan of Mysore.